

EXCERPTS FROM THE SAGA OF RESIDENTIAL FENCES, OCTOBER 3, 2014

JOHN VENDITTO: I've got Lenny [Genova] and Jim Moriarity with me, more than happy to work with you on anything you want to work with, but I'm hearing almost nightmarish stories about how onerous some of the requests are, and some of the questions being put to the town and it does seem voluminous. What say you sir.

TED PHILLIPS: Well, I've covered a lot of governments and governmental agencies.

VENDITTO: And we've dealt with a lot of beat reporters.

PHILLIPS: And most of them will discuss in public the legislation that they are considering, and they will often include in that legislation a rationale for it, so a lot of questions I'm forced to ask Oyster Bay, in my experience, I haven't had to ask other governments and governmental agencies. The fact is that a lot of these resolutions are written in such a way that it's very difficult, certainly for the average person and also for me to figure out what's in there. And it puts me in a situation where in order to do my job I have to ask a lot of questions. And I'm sort of surprised that is sometimes takes weeks even months to determine what happened at a meeting, when that should just be available to the public, the public should know what is being discussed and what is being voted on.

VENDITTO: okay the three fellows here in this room, me and Lenny and Jimmy, we've worked with Newsday over many many years, and we've worked with you for a significant period of time as well, we've never had this problem before, everything seemed to flow very smoothly, whenever there was a question an answer was given, it got to the point where the relationship was working so well that I did away with asking anyone to FOIL thinking that might be an added step that nobody needs, we'd get you the information sooner than 20 days, 15 days, whatever the rules, so it seems like what Lenny and Jimmy are describing to me is of very recent vintage, in fact I think it's only over the past couple of meetings. Did something change in the way we do things that makes it more difficult for you to do your job? Or was it always this way and you just never said anything about it. Because I want to find a way to solve the problem. I'm not here to make the problem greater, or to not work together, did something change recently that caused all of this or was it always a problem and you just never brought it up before?

PHILLIPS: Bill Bleyer was the lead on Oyster Bay so he was the one who, I kind of followed his lead, I'm now the lead on Oyster Bay so pursuing this the way I feel it should be pursued.

VENDITTO: Alright we never had the problem, not that it means anything, we never had the problem with Bill before, so the problem is new to us, so I guess what you're saying is your methodology or your way of doing things has brought about a change and you want us to conduct ourselves in accordance with the way you want to do things. Again, I'm not complaining, I just want to identify the issue. Is that a fair statement or no?

PHILLIPS: Well I'd be interested in seeing the town conduct itself in a way that seems to be that most municipalities conduct themselves.

VENDITTO: The operative word is seems to you. In other word it's your standard. We're saying the same thing.

PHILLIPS: No, you're trying to say this is like a personality issue.

VENDITTO: No, I'm not trying to say anything. I'm not issue resolving yet, I'm issue determining. I'm just trying to find out what the problem is. I like you, I like working with you, I enjoy talking with you, I just don't understand where we're going wrong here that we're at the point where you feel the town is being an obstructionist, but these guys describe to me, unless it's not accurate, they're showing me an onerous array of questions that literally we would have to devote town personnel full time to give you the answer to, we can't do that, so I want to find a way to better open up the information flow, for the lack of better word. I'm not trying to say anything, I'm trying to identify the problem. You've indicated that the change from Bill to you, obviously you have a different way of doing things and you'd like it done your way, that's perfectly okay, I'm more than willing to do it your way, but if your way is resulting in onerous or burdensome demands up on the, see you have a newspaper to write and we have a town to run, so if the way you do things is a problem for us then we need to work it out so that you can get what you want and we can do it at a pace that's acceptable to us.

PHILLIPS: Well at this past board meeting, it looks like the town passed about 45 resolutions.

VENDITTO: I don't remember counting them, but that, I thought it might be a little more than that but okay 45.

PHILLIPS: 45, 46 maybe counting the transfer of funds, I've asked questions on, I think I sent in 13 questions [HERE I MISPOKE, I MEANT 13 EMAILS ON 13 RESOLUTIONS, THE EMAILS HAD MULTIPLE

QUESTIONS], I've asked for information on I think a quarter of the resolutions that were passed. Do you think that's onerous?

VENDITTO: I don't think it's onerous but then again I'm not the one dealing with it, and Len I'm going to look at you, he's saying that I only asked about the quarter of the resolutions that were past and I've only asked 13 questions.

LEONARD GENOVA: I think on the ones we were talking about there are multiple questions per resolution while some of it is fairly simple to get, a lot of it isn't. Even the thing we spoke about, using the dredging study as an example, you asked questions about a project that we're not even at that point yet, we're doing the study so we can submit the permit application, but then you asked were these the same canals, that's a fair question, but that's not something that's even germane to that resolution and required John Ellsworth a few hours to go through whole boxes, and then you talked about a whole timeline, we're not even there yet because all we're doing is applying for a permit, but we were nice enough at the supervisors direction, to speak to internal engineers and others that do work for the town to try to give you an estimate.

VENDITTO: Let me just stop you, I don't think I authorized any such thing, what I authorized is that you do whatever it reasonably takes to answer Ted's question.

GENOVA: I meant generally the supervisor's direction was to try to, to the best of our ability to accommodate your request, that's just an example, so I disagree it's not just a question on a reso, it's multiple with each reso, and I would say that in many of the instances in which you and I spoke, these were questions outside the reso, that clearly I think were helpful to you in terms of understanding that, and we're happy to do that, but it does take time, not all of them, but many of them.

PHILLIPS: Let me ask you this, how do the board members, and the supervisor review these, to vote on them, you must have.

GENOVA: I've been doing this for a long time, as have all the board members, when all we're asking to do using the dredging the canals, that's something that's under our auspices, all we were doing is paying for a study to submit the application to the DEC, I don't know that the board members, to be fair, really need much more than that to vote on an item, I've been around here for 23 years, that's pretty simple, the additional questions you asked me on it however, were not and were not necessarily needed to be able to vote on that resolution so again, the supervisor's general tone was to try to accommodate and work as best as we can with you, because you have a job to inform your readers and he's very sympathetic to that and has always been so that's how I would answer that with you.

VENDITTO: So what Lenny is saying is we're satisfied we have enough information to make an informed decision on the resos and that's very accurate.

PHILLIPS: Do you have information that I don't have?

JIM MORIARTY: Ted in all fairness, without going into the details of the different emails we're talking about, everybody has to put a price on their time, you do, the supervisor, Lenny, everyone involved, I mean you conceivable could ask 100 questions about anything that goes on all day long but really what's germane? What matters? What's important, if there's something that's important to the councilman or the supervisor, or something that even strikes their interest that I want a little bit more, sure Lenny has to stop, or whoever and just like if you ask, sure we'll stop everything and go through all this but just because you can ask a million questions doesn't make it a worthwhile, make it worthwhile for people to spend enormous, if you have an issue that you think or you just want a little bit more information so I can decide if there is an issue here, but you know I think what everybody is saying is to have literally hundreds of questions on so many different things, If you were going somewhere with, but sometimes, I think Marta said there's been about three stories out of whatever, a zillion questions that have been asked, it almost like, let me see how many questions I can ask about something, it almost seems like I'm just going to ask every possible question about this issue that I'm not even sure is an interesting issue to write about.

PHILLIPS: It would make it a lot easier if some of these resolutions that were passed would explain the reason for them, that's a pretty common thing you see in legislative bodies is you see a 'we're doing this because of x, y, and z'.

VENDITTO: I've got to stop you there, Ted, what are you talking about, obviously in other jurisdictions you're seeing different ways of putting these resolutions before the public in calendar form, or whatever, help me out with that.

PHILLIPS: Sure I covered here on Long Island I covered Glen Cove, they had resolutions where there would be quite a bit of discussion on them in the first place, publicly, and then resolutions would often have a description of what the scope was, why they were doing it. That makes it a lot easier for the public to say 'oh, they're doing a study and this is why.' Or 'oh they're going to be doing some dredging because there's silt' or whatever. You look at New York State, look at the legislation they pass, they have a format that will explain what the reason is, here's the reason.

VENDITTO: Okay what, I'm sorry, I'll let you finish, I shouldn't cut you off, go ahead.

PHILLIPS: Sure they'll give a reason for the legislation, and they'll have the law of the legislation itself, and so I'm not saying it's a perfect system, it is not so difficult to at the very least understand what the stated intention of the sponsor of the bill is, because it's in there.

GENOVA: A couple things, they're not bills, I do think they do more than an adequate job, when you're bidding out a road job, what do you need more than that? You may have questions, and that's fine, and we usually typically follow up with them, but the other point I was going to make earlier was that some of the things that are very rudimentary, the board members and the supervisor he's been doing it for almost 20 years, the fact that it's new to you, I respect that and you may have a question on but that in no way should be interpreted or does it mean that a board member doesn't have adequate information on a particular item.

PHILLIPS: Okay, well, what about the public? The public goes, they see these resolutions, should the public be able to understand this stuff?

GENOVA: Of course they can. Point out, if you could show how resolutions in other municipalities are vastly different, I'm just going to pick on the dredging thing as an example. That was literally a dredging study, dredging on different canals, we had to submit an application to the DEC, the questions you posed weren't even necessarily germane to that reso, but I understand why you asked them, but that's not necessarily information that would be in the back up material, we go about doing that because the supervisor tries very hard to work with the media and accommodate their requests.

PHILLIPS: I don't think I asked any questions that were not germane.

GENOVA: I do. Oh I do. That's fine.

PHILLIPS: Which questions were not germane?

GENOVA: I'm using that as an example.

PHILLIPS: You're saying I asked questions that were not germane, so what were those questions?

VENDITTO: Off the top of your head?

GENOVA: I was using that as an example. I think I have one of the emails, I'd have to go through it, but a lot of the questions are policy as to why you do something a particular way, that's not asking about a particular resolution, it's about a methodology, that seems to go more toward you understanding that, that's fine, I have no problem with that,

PHILLIPS: Are you saying that,

GENOVA: I'm not saying anything, last time you and I talked about requests for proposals and if something was bid and I was explaining to you it wasn't a bid situation it was a request for proposals. I have no problem engaging in any of that dialogue, nobody wants to be argumentative, we actually, I just want you to appreciate we want to be accurate and give you everything you want. That cannot always be done in a half hour or an hour if we're trying to be accurate. That's really it. I have no problem with any of the questions and being able to sit down last week, we spend 45 minutes on the phone, I have no problem, I really don't it's really just a question of the time, maybe just an appreciation on your part that some of the questions do require more than a cursory review of something and responding. I'm happy to do it.

PHILLIPS: Okay. Well if you're happy to take my questions, then maybe this is not really an issue here.

VENDITTO: You know what I'd like to see here, I don't know if there's anyway to resolve this, Ted your last question sounded kind of flip. I can't help but thinking you're going 'okay if you're going to answer all my questions I'm going to ask you 100 more' and I don't know if you were being cute or not. I would like to see what the hell is going on here. I would like to see, is someone logging in Ted's questions.

MORIARITY: I'll have it from Marta in a few minutes.

VENDITTO: I would like to see the litany of his questions, is it excessive, are they onerous, is it relevant, do they matter and I know that's not for me to determine, the relevancy is not, whether or not they're onerous, we just may not physically be able to do what he needs done. The relevancy issue is really subjective. I'd just like to see what he's asking. Ted tells me it's a quarter of the calendar and thirteen questions, that in and of itself doesn't sound unreasonable, but I'd like to see, what, because I'm being told there's over 100 questions here, sub questions and sub layers and we're only talking about two calendars. That would appear to me to be a bit onerous, but again if the questions are yes or no questions, or they're yes no or I don't know, I guess those are the answers, but Lenny you seem to be saying something more, you seem to be saying some of the questions require research. And going into past history.

GENOVA: I think they do and that's why I apologize Ted I really, I really don't have any problem answering the questions but for example when we talked about some of the contractors and the history, that does require going back multiple years looking through the records, that typically wouldn't be in a resolution, and I appreciate why you're asking it, I have no problem doing it, but I then hope you appreciate that I've got to make someone stop what they're doing, go back sometimes look through manual records which again we are happy to do, so that's my point, some of the questions, not all of them, do require you to go back and they're not necessarily determinative for that particular reso, but maybe a question you have, either way I'm happy to get it for you, I just can't get it for you sometimes as quickly as you want, Monday Marta was trying to set up a time for you and I to talk much like we did last week, or the week before, I lose track of time, where we spent about 45 minutes going over things and then you had some follow ups.

VENDITTO: Ted the only thing I would add to that, and I don't know if this is particularly germane, and I appreciate the fact that you're sitting there, you've been fair, and you've never asked me any questions that I thought were inappropriate.

[25 MINUTE MARK]

VENDITTO: If your question is you enacted a resolution expending X dollars, or X hundreds of thousands of dollars or X millions of dollars for an item and I just want to know what that money is being spent for, boy, that just couldn't be simpler, so where is the logjam, what am I missing here? I mean if he says, just using Residential Fence, I don't even know the issue, or the question, we'll get to it later, there's an item on for Residential Fence, you're spending a dollar, what are you spending that dollar for? What's so complicated about that?

GENOVA: It isn't, except typically a lot of those questions will go to historically, when it was awarded, how much did you spend.

VENDITTO: Why?

GENOVA: That's what Ted is asking, so he's asking historical questions about the company, he's not asking a simple question about one resolution.

PHILLIPS: Well, let's take a look at this, for example, Residential Fences, the resolution says, whereas, resolution no. 1014-2011, adopted on November 29, 2011, authorized the Supervisor to enter into a contract , etc. etc. etc.

VENDITTO: No no, let's read the resolution together, let's do it.

PHILLIPS: Sure, whereas, resolution no. 1014-2011, adopted on November 29, 2011, authorized the Supervisor to enter into a contract no. HSR 11-049, Sign Requirements at Various Locations Throughout the Town of Oyster Bay with Residential Fences Corp. 177S Route 2S, P.O. Box 430, Ridge, New York, 11961, with an option for four one year extensions and whereas, Kevin M. Hanifan, commissioner of the highway department, and John P. Bishop, administration, highway department, by memorandum dated August 27, 2014, have requested that the town board exercise the third one year extension option with Residential Fences Corp. for contract no. HSR 11-049, is approved from November 29, 2014 through November 28, 2015. Now therefore, be it resolved, that the request as herinabove set forth is accepted, and the third one year extension with Residential Fences Corp. for contact no. HSR 11-049, is approved, from November 29, 2014 through November 28, 2015.

VENDITTO: Alright, I'm going to go slow now, I'm going to slow it down, because maybe we're at the root of the problem, I'm not trying to be funny or argumentative in any way shape or form when I say this, that's pretty clear to me, that we are extending a pre-existing contract and apparently I think it was the third one year extension I think you said, I'm doing it from memory, that's pretty clear, so what the story is, town of Oyster Bay, extends, what was it the sign contract.

GENOVA: I think that's what it was.

VENDITTO: So no money is being expended under this, you're just extending the contract. So that's what we're doing, we're extending for another one year a contract that we entered into for signs in the town of Oyster Bay, that's what that reso does, now we're not extending any money, so you couldn't be asking us, what are you spending money for, because we're not spending any money, the reso is, and what the town board needs to know , and what the town board is determining is that the town is now extending this contract for another one year, that's what that reso does and it's pretty clear, it says it in more detail quite frankly than I'd like to hear with all the numbers, so now that I've said that, what would be your interpretation of the resolution. Knowing that, what would be your questions about it?

PHILLIPS: Well, first question is the contract was authorized in 2011.

VENDITTO: It was done at a public hearing with a reso detailing that enactment, it was bid I assume.

PHILLIPS: What was the original dollar amount of the contract?

VENDITTO: Well you see that's what, okay, now I understand what's happened. Just so you know, rather than take the position that nobody knows what you guys are doing, the fact of the matter is, back in 2012 [sic] when that resolution was enacted, the number was there, now what you're saying is two or three, two years later I want to go back and revisit what you did in 2012 and I'm not saying you don't have a right to do it, but that's wherein the problem lies, because in 2012, rather than take the position, woe, the public doesn't know what's going on here, the fact of the matter is everybody in the world knew what was going on, we did it, we had a reso that said, we are today enacting contract number thus and such in the amount of thus and such for all the world to see and it's going to be for the placement of signs, creation and placement of signs, in and around the town of Oyster Bay, so at the time the original contract was enacted, everybody knew what it was about, dollar amounts and everything else, now what you're saying is you want to go back and revisit the events of 2012, but if your question is, I want to see how town residents' money is being spent, well no money is being spent under that reso,

PHILLIPS: Let me stop you there

VENDITTO: Let me finish, I always let you finish, the inference that something is being done in the dark here or how does the town board know what they're doing that's wrong Ted. It wasn't done in the dark, it was done in the light of day, by resolution, containing the details of the original contract. So okay, I'm done. Go ahead.

PHILLIPS: So the town, regularly, will enter into a contract and then it will extend that contract, it will have options built into the contract, so in a sense, this is the same contract, so I'm basically asking is, what is this contract? And the contract is a contract that started off with a single dollar amount, presumably, and maybe maybe not, and then was extended for a reason, and then extended for another reason, and these may all be good reasons, I don't know, so I'm asking.

VENDITTO: No no the answers are very, I'm sorry I did it again, go ahead

PHILLIPS: So the question is really what is this contract, what is the dollar amount of this contract, what the town said at one point in time, we need to solve this issue or get these things or do whatever kind of work we thought we needed to do, so we hired a company to do that, so the question is, you hired these people, and what have they done?

VENDITTO: Here's where we break down, every time we expended monies under that contract, I already told you that at the time of enactment, the initial resolution authorizing that contract, prior to the extensions, that was all spelled out publicly in the light of day by resolution so on and so forth, then as the work progressed under the contract, if any, because I don't know the history, every time an item of work was called for under that contract, there was yet another resolution, saying, no am I wrong.

GENOVA: We authorized amounts to be spent under that contract.

VENDITTO: Everytime money was spent under that contract, authority was given to expend that money with the purpose for what it was, so what you're really saying now is, 'I want to revisit the whole history of this contract, I want you guys now because you're extending this contract, I want to revisit the whole history of this' by the way I'm not saying you're wrong when you're asking that, but then you've got to understand the ramifications to us, you're now asking us to go back to whenever, 2012, and give you the entire history of this contract, everytime clearly it was extended, when it was first enacted, everytime it was extended, and every item of work performed thereunder, that is a very significant and maybe you don't understand that.

PHILLIPS: Actually I didn't ask for every item of work, I asked for what was the original amount of the contract, what is the original scope.

VENDITTO: That's in there, you already have the scope.

GENOVA: Sign replacement.

VENDITTO: Sign replacement.

PHILLIPS: What does that mean, it says "sign requirements" so that's sign replacement?

VENDITTO: Yeah, sign replacement.

PHILLIPS: So a sign that is for whatever reason not functioning correctly, or,

VENDITTO: I don't know if you know the frequency with which signs need to be replaced, I don't know either, I don't know the life of a sign, but I do know that countless signs across the length and breadth of Oyster Bay are defaced, are damaged [ASIDE WITH MORIARITY] there are countless ways in which signs are damaged or defaced or altered.

MORIARITY: Car hits the sign.

VENDITTO: I said damage, countless ways, car accidents what have you, or vandalism.

PHILLIPS: okay, signs have to be replaced.

VENDITTO: by the way, just so you know, all of that was spelled out back in 2012.

GENOVA: But Ted the only thing I would point out is I think where you and I don't necessarily agree is I don't know that, it's absolutely information you could ask, you should ask, we're happy to give you, but I don't know it's necessary to vote on that particular resolution,

VENDITTO: but the board members know all that

GENOVA: Of course they do, so all I'm saying to Ted is in those instances where it's a multi-pronged question, on a lot of times it's historical or giving you back ground, that takes a little bit of time,

VENDITTO: I'll agree with him to this extent, he wasn't there in 2012, so he's saying hey guys what's this contract for, and as we just explained it's for sign replacement and the reasons why signs need to be replaced, that's not unfair, that's a pretty quick answer, but I think when you start to say now I want to go back to 2012 and tell me the history of this contract, everytime you extended it, in what amount and what work was done, and how was it authorized, and what amounts was it authorized in, and now we could really get ridiculous and start saying okay I want to know the streets where the signs, I didn't say he's doing that, but you can, and you could it was on Cherry St. and it was on Vanilla St. and on Chocolate St. and then you could say what work crew was on it and how do we know the work was really done, start getting, insanity could set in, Ted isn't it enough to know that this is an extension of the sign contract and that the town has extended it, that's really the story here.

PHILLIPS: I would think that residents might be interested to know how much money the town spends every year on replacing signs that are defaced or damaged.

GENOVA: That to me is fine.

VENDITTO: I don't have a problem with that.

[44 MINUTE MARK]

GENOVA: I don't think those are questions relative to the reso, in you're mind they are, but they're prudent questions, I have no problem getting them, but you keep [inaudible] they're relevant to a reso, we don't agree on that, but I'm happy to get it, but I can't get it in a half hour sometimes.

PHILLIPS: So as to the questions of what the original contract was.

GENOVA: We'll get it for you.

PHILLIPS: at this second, it's not available, maybe be available later today.

VENDITTO: it's available we just can't get to it, that's all he's saying, we might get it later. I don't know the answer to that. Your first question is what was the amount of the original contract, is that phrased right? We authorized an amount, I take it, okay. We'll get you, what's your next question on Residential.

PHILLIPS: Residential Fences, other than extensions, has this contract ever been increased.

GENOVA: I've done this with Ted before, I think I know what he's looking for. Right Ted? He's looking for a history.

PHILLIPS: If you want to call it a history, you can call it a history, I'm looking for,

GENOVA: For a history.

PHILLIPS: What was the original contract amount, and then how many times has that amount changed, either because it's been increased because more work may have been needed or extended, and the amount of the money. That seems to me to be a pretty simple thing to say here's a contract, it started at this time, since that time,

VENDITTO: The operative words there are "seems to me" it seems to you but that not be,

PHILLIPS: If you think a question is unreasonable then by all means go on the record and say this is an unreasonable question and I'm not going to answer it.

VENDITTO: No one said that, don't put words in our mouths,

PHILLIPS: okay

VENDITTO: No one said, what Len is saying is we can answer all of those questions but we need time to do so. Nobody's attacking your questions. I think they may not be relevant to the actions of the board at a given moment but if you want to know them we'll do what we can to accommodate you. I don't think the questions are relevant to what we're doing in this reso. You start out by saying "I read your reso and I don't know what's going on" well the fact of the matter is it does have a history and if you followed these things, you would know there was nothing was done in the dark, below deck or anything else, all of that history was previously laid out in the light of day by prior resolution,

PHILLIPS: And I'm not saying that wasn't.

VENDITTO: Let me finish, no one is saying that you can't know what those resolutions are, you absolutely can, it may not be relevant to the action we took, I guess this was in the last calendar, it may not be relevant, but if you want to know them, what Len is saying is we'll be happy to tell you but you need to give us some time to compile it.

PHILLIPS: Are you saying you don't think this is relevant?

VENDITTO: You've got to put it in context, I'm looking at a list of probably a little over 100 questions, each one of which has multiple sub questions, so you need to say is, if you said to me today, I have one question for you today about Residential, one question overall, about and you said to me sure, I think you probably would get the answer fairly quick.

PHILLIPS: That's what I did today, I called you I left you a message, saying I wanted to talk about this Residential Fences Corp.

VENDITTO: I don't have that committed to memory, so in order to answer the question I have to go to a Len Genova, to my town attorney, to another department and say "hey answer these questions for me" but from what I'm seeing here these department are already jammed up with countless other questions, so if you want to prioritize your questions, yeah, then you could have them much sooner, but when you ask me to do this, in the context of these other questions, yeah it's going to take some time.

PHILLIPS: I'm asking you specifically about the Residential Fences Corp. That's the only thing I'm asking for you to get for me today.

VENDITTO: Can you ignore the other, are you going to withdraw these

PHILLIPS: I'm saying that as of today, the only reason I called you today, was to talk to you about the Residential Fences Corp. contract. That's it. Nothing else.

VENDITTO: You did ask already. You already have over 100 questions here, are you saying take Residential out of line and answer that first? But then when you call, for example for Saperstein, the answer is going to be well we spent an afternoon doing Residential, just so we understand each other, that's all.

PHILLIPS: What I'm saying is, I called you today

VENDITTO: yes

PHILLIPS: To try to find out what this Residential Fences Corp. contract was and today I'm not asking you about any other contracts.

VENDITTO: No that's today but on prior days you asks countless questions about other resos, so you're now asking us to put everything else down and get the answer on Residential, I'd be happy to get it for you, if that's what you're asking.

PHILLIPS: That's what I'm asking you to do today.

VENDITTO: Okay, fair enough, then we'll do our best to get you answers today. I don't know if you can get them at this hour with the holiday looming, but let's try to get them for him, if worse come to worst we'll get them for him on Monday. But on Monday if you ask me why did we talk to you about Saperstein we're going to say we spent a substantial amount of time on the Residential fence contract. I don't have that many employees that can dedicate hours to do these things. That's what I meant before when I said we're trying to run a town.

PHILLIPS: Okay.

[55 MINUTE MARK]

VENDITTO: Can you, know that you've asked your questions

PHILLIPS: I do have some other questions

MORIARITY: Ted this is a bit of a problem where it seems, and it kind of goes this way through with Marta, that it's your set of rules how we're supposed to respond, what format we're supposed to respond, the level of detail we're supposed to respond and it is a two way street here, we want to be transparent here, we want to be accommodating, we've always been that way, it's never been a problem before, it doesn't even seem like, there aren't any words to describe the impasse, or the bumping heads here, and I know the supervisor doesn't like it, I certainly don't like it, and I'm sure Lenny doesn't like it, I know Lenny doesn't like it.

PHILLIPS: What I know is I've been speaking with you now for 56 minutes, I called because I wanted to talk about the Residential Fences contract

VENDITTO: You only started saying that the last, I don't know if we're being taped or not, you only started saying that the last 15 minutes, you were fine engaging us in the dialogue we engaged in for the first 40 or 45 minutes, we're at 56, 57 right now, you were happy to engage us all along, the last ten or 15 minutes you saying well I only called for one reason, but you were more than happy to engage, we're trying to work together to come up with perimeters so we can all get our jobs done.

PHILLIPS: I like to just finish up the discussion about this Residential Fences

MORIARITY: This is what I'm talking about.

VENDITTO: What Jimmy is saying is we have issues that we would like to discuss.

MORIARITY: It's a two way street, it's not your phone call and that's it and we have to go by your rules.

PHILLIPS: But you guys have done most of the talking here I think

VENDITTO: Now you're being, my timer doesn't break that done

PHILLIPS: Can I ask

VENDITTO: We let you go on without interrupting, we've been very courteous, it's frustrating

PHILLIPS: Can I ask, can I finish up asking questions about the Residential Fences contract?

VENDITTO: I would like the litany of questions about Residential but let's get Lenny here so he can write them down so there's no misunderstanding about them.

.....

GENOVA: I thought we did it, Ted

VENDITTO: No he says we're not done yet. We've got two questions so far are the original contract price, and then the history of the contract, what you Len are calling the history. Which I guess means every item spent on it.

GENOVA: Only because Ted and I have done it. When it was originally awarded for how much, how was spent in each year, when it was extended, when it was extended and how much was spent in each subsequent extension.

PHILLIPS: I don't even need that level of detail, I'm looking for the original amount, the number of extension and then the total.

VENDITTO: Len why don't you make notes and then we'll be done with Residential.

PHILLIPS: I am not asking for every sign, every stop sign.

VENDITTO: Okay so we're done with residential .

PHILLIPS: No I wanted to ask you about this contract Residential Fences corporation, the last year, last year, last December, the comptroller's office put out a report, that criticized Oyster Bay for a contract with this company, for fencing, it was an audit that came out in December of last year, now it said the contract at the time was awarded for \$1.5 million with an expectation of spending \$400,000 a year, but according the comptroller's report, but by the end of the third year the company had billed, or been authorized to be paid, \$5.3 million, and the comptroller's office criticized this saying that this meant the original bidders did not have sufficient information to bid on the contract. So I have a question , this is a different contract but the same company,

GENOVA: That's what the report said?

PHILLIPS: Yeah.

GENOVA: okay fax it to me, I don't know if it said that.

PHILLIPS: I'll email you the link, it's on the comptroller's web site. And in the response the recommendation from the comptroller's office was the town should do a better job of estimating the scope of the work and the town agreed with that.

VENDITTO: Isn't this the old requirements contract argument?

PHILLIPS: so I was just wondering, is the same, could the same issue come up here, that the original contract was for X dollars and then it was increased repeatedly and the comptroller's comment that this contract, which is a different contract but the same company, could this criticism be leveled against this.

GENOVA: I guess in theory it could.

VENDITTO: could you explain to me what you're talking about?